

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JOHN T. YAGOW, D.O.,
RESPONDENT

: ORDER GRANTING
: SUMMARY SUSPENSION
: AND
: SUSPENDING LICENSURE
: 90 MED 414, 92 MED 244; 92 MED 423

TO:

John T. Yagow
702 Oakwood Lane
Watertown, WI 53094

Andrew R Griggs, Attorney for Dr. Yagow
Neuberger Lorenz Griggs & Sweet
136 Hospital Drive
PO Box 436
Watertown WI 53094

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

On November 7, 1996, the Department of Regulation Division of Enforcement filed a Petition for Summary Suspension in the above captioned matter. Respondent was notified of the Petition and of the time and place of its presentation to the Board by mailing a copy of the Petition and Notice of Petition to his last-known address as indicated in the records of the Medical Examining Board. Copies of these documents were mailed in addition to Dr. Yagow's attorney, Andrew R. Griggs.

The Medical Examining Board met on November 20, 1996 and considered whether, based upon the asserted facts set forth in the petition, there was probable cause to believe that the respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of the respondent's license. Attorney Steven M. Gloe appeared on behalf of the Division of Enforcement in support of the petition. Dr. Yagow appeared to oppose the petition.

Based upon the petition, the evidence and the arguments presented, the Board makes the following Findings and Order.

FINDINGS

1. John T. Yagow (D.O.B. 08/23/43) is duly licensed in the state of Wisconsin to practice medicine and surgery (license #28815). This license was first granted on July 23, 1987. Respondent is listed with the Board as a general practitioner.
2. Dr. Yagow's latest address on file with the Department of Regulation and Licensing is 702 Oakwood Lane, Watertown, WI 53094.
3. On or about September 4, 1996, the Medical Examining Board issued an Order for Examination In the Matter of the License to Practice Medicine and Surgery of John T. Yagow, DO. A copy of this Order is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this Order.
4. Dr. Yagow has failed to timely comply with the terms of the Order referred to in paragraph 3, above. More specifically:
 - a. Dr. Yagow has failed to submit to the Wisconsin Medical Examining Board the names of any internal medicine practitioners for the purposes of the physical examination required under the Board's Order.
 - b. Dr. Yagow has failed to submit himself for mental and physical examinations to Board-approved practitioners, nor has he provided the Board with any releases regarding such examinations.
 - c. Dr. Yagow has failed to provide any mental or physical examination results to the Board.
 - d. Dr. Yagow has failed to take the SPEX (Special Purpose Examination) administered by the Federation of State Medical Boards of the United States, Inc. as required by the Board; nor has he registered for this examination.
5. Under the terms of the Board's September 4, 1995 Order, violation of any of the terms of the Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license
6. Based upon Findings 3, 4 and 5 above, there is probable cause to believe that John T. Yagow is guilty of unprofessional conduct under sec 448.02(b) Wis. Stats., and Wis. Adm. Code §MED 10.02(2)(a).
7. Based upon Findings 3, 4, 5 and 6 above, there is probable cause to believe that respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare

imperatively requires emergency suspension of the respondent's license to practice medicine and surgery in the state of Wisconsin.

ORDER

Now, therefore, it is **ORDERED** that the Division of Enforcement's Petition for Summary Suspension is granted, and the license of John T. Yagow to practice medicine and surgery in the state of Wisconsin is hereby **SUMMARILY SUSPENDED** for a period of THIRTY (30) days.

It is **FURTHER ORDERED** that pursuant to Wis. Adm. Code §RL6.10, a notice of hearing commencing a disciplinary proceeding under Wis. Adm. Code § RL2.06 shall be issued against Dr. Yagow no later than ten (10) days from the date of this order.

It is **FURTHER ORDERED** that the Board may, while the hearing is in progress, extend the initial 30-day period of suspension for an additional 30 days. If the respondent has caused a delay in the hearing process, the board may subsequently suspend the license, from the time the hearing is commenced until a final decision is issued.

NOTICE OF RIGHT TO SHOW CAUSE

PLEASE TAKE NOTICE that respondent has the right under Wis. Adm. Code §RL6.09 to request a hearing to show cause why this summary suspension order should not be continued until the effective date of the final decision and order in the disciplinary proceedings against the respondent. A request to show cause should be filed with the State of Wisconsin Medical Examining Board, 1400 East Washington Avenue, P.O. Box 8935 Madison, WI 53708. If a hearing to show cause is requested, the hearing shall be scheduled to be held on a date within twenty (20) days of the date of receipt in the Board office of the request for hearing, unless a later time is requested by or agreed to by the respondent.

If a hearing to show cause is held, both the petitioner and the respondent may testify; the petitioner and the respondent may call, examine and cross examine witnesses; and the petitioner and the respondent may offer other evidence. The petitioner shall have the burden to show by a preponderance of the evidence why the summary suspension order should be continued. At the conclusion of the hearing to show cause, the Medical Examining Board shall make findings and an order. If it is determined that the summary suspension order should not be continued, the suspended license shall be immediately restored.

This Order shall become effective upon actual notice of the summary suspension order to the respondent or respondent's attorney, or upon service under s. RL 6.08, or, whichever is sooner.

Dated at Madison, Wisconsin this 20 day of November, 1996.

MEDICAL EXAMINING BOARD

By: B. J. Neviase
On behalf of the Board

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